

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

DAVID J. CATANZARO,	:	No. 1:22-CV-1754
	:	
Plaintiff,	:	
	:	(Saporito, J.)
v.	:	
	:	(Caraballo, M.J.)
	:	
LYKART TECHNOLOGIES	:	
LLC, et al.,	:	
	:	
Defendants	:	

ORDER

Plaintiff David Catanzaro, proceeding *pro se*, commenced this action on November 11, 2022, alleging intellectual property infringement connected to two patents he owns. Doc. 1. Catanzaro filed an amended complaint on March 15, 2023 (Doc. 10), and a second amended complaint on April 5, 2023. Doc. 15. A third amended complaint was filed by Catanzaro on August 9, 2024, after he successfully appealed this Court's dismissal of the action. Docs. 30–33.

On March 4, 2025, and then again on March 7, 2025, Catanzaro moved to amend his complaint for the fourth and fifth times, respectively. Docs. 49, 53. The latter motion includes an amended instrument containing all the additional language in the former motion,

and more. *Id.* In a stipulation dated March 14, 2025, and subsequently endorsed by the Court, Catanzaro agreed to withdraw his motion to file a fourth amended complaint, and to dismiss all claims, without prejudice, against defendant Alphabet, Inc. Docs. 63, 66.

Consequently, only three motions remain pending before the Court: Catanzaro's motion to file a fifth amended complaint (Doc. 53), and unopposed motions by defendants Mozilla Corporation and Poshmark Inc. for an extension to file their answers. Docs. 62, 64.

The Court will grant Catanzaro's motion to file a fifth amended complaint. Although the 21-day period for Catanzaro to amend his complaint under Fed. R. Civ. P. 15(a)(1) has long passed, "[t]he court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). Here, the Court will grant that leave because it does not find the proposed amendment to be prejudicial, futile, unduly delayed, made in bad faith, or dilatory in motive. *In re Burlington Coat Factory Sec. Litig.*, 114 F.3d 1410, 1434 (3d Cir. 1997).

The Court also will grant the motions for extensions of time to file an answer by defendants Mozilla Corporation and Poshmark, Inc., as neither is opposed by Catanzaro.

Accordingly, it is **ORDERED** that:

1. Plaintiff's Motion for Leave to File a Fifth Amended Complaint (Doc. 53) is **GRANTED**. The Fifth Amended Complaint is deemed filed, and the Clerk of Court is directed to docket plaintiff's Fifth Amended Complaint and exhibits.
2. Defendant Mozilla Corporation's Motion for an Extension of Time to File an Answer (Doc. 62) is **GRANTED**. Defendant Mozilla Corporation shall file an answer to plaintiff's Fifth Amended Complaint on or before April 21, 2025.
3. Defendant Poshmark Inc.'s Motion for an Extension of Time (Doc. 64) is **GRANTED**. Defendant Poshmark Inc. shall file an answer to plaintiff's Fifth Amended Complaint on or before April 21, 2025.

Dated: March 17, 2025

s/ Phillip J. Caraballo
Phillip J. Caraballo
United States Magistrate Judge